

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN DARNELL MITCHELL,

Defendant-Appellant.

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UNPUBLISHED  
February 16, 2006

No. 258029  
Kent Circuit Court  
LC No. 03-011718-FH

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

PER CURIAM.

Defendant was convicted by a jury of fourth-degree fleeing and eluding, MCL 257.602a(2), and driving with a suspended license, MCL 257.904(3)(a). He was sentenced as an habitual offender, fourth offense, MCL 769.12, to one to three years' imprisonment for fleeing and eluding, and to ninety days' imprisonment for driving with a suspended license. He appeals as of right, and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was on parole from a previous conviction at the time the instant offenses occurred. His sole claim of error on appeal concerns the prosecutor's revelation of his parole status. According to the arresting officers, defendant led them on a high-speed chase after they attempted to make a routine traffic stop. Once the officers apprehended defendant, he allegedly stated that he was sorry and had run "because I had warrants out for me." On direct examination, defendant testified that he knew that he was likely to be arrested because he was driving with a suspended license, but that he did not flee from the officers. He maintained that he did not know that any warrants had been issued for his arrest, and that he did not tell the officers that he fled because he had warrants out for his arrest. On cross-examination, the prosecutor explored this topic in detail:

*Q.* Is it accurate to say that in 1998 in File Number 98-03598 that you pled to a bank robbery?

*A.* Yes, ma'am.

*Q.* And is it also true that you are presently on parole for that charge, right now?

*A.* Yes, ma'am.

Q. Also true that one of the--the warrant that we are talking about here was for absconding on that parole?

A. Yes, ma'am.

Q. So, certainly, you had to know that was out there.

A. No, ma'am.

Q. You know you have to report on parole, is that right?

A. Yes, ma'am.

Q. But you didn't--your claim is that you did not know that warrant existed?

A. No, ma'am.

Defendant acknowledges that, pursuant to MRE 609, prior theft crimes may be used to impeach a defendant's credibility if the trial court determines that the evidence has significant probative value on the issue of credibility, and the probative value of the evidence outweighs its prejudicial effect. MRE 609(2)(B). Defendant maintains, however, that the introduction of the fact that he was on parole was irrelevant to his credibility. He contends that the prosecutor's introduction of the topic constituted reversible error.

Defendant failed to object to the introduction of this evidence, and has failed to preserve this claim of error for review. *People v Cain*, 238 Mich App 95, 115; 605 NW2d 28 (1999). Therefore, we review his claim for plain error. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999).

Defendant has failed to demonstrate plain, outcome-determinative error. He argues that the prosecution could not refer to his parolee status because he could not be impeached through the use of his prison sentence or his parole status. He maintains that such information is irrelevant and inadmissible when used to attack a defendant's general credibility. See, e.g., *People v Rappuhn*, 390 Mich 266, 272-273; 212 NW2d 205 (1973). In this case, however, the prosecutor did not use defendant's parole status to challenge his general credibility. Instead, defendant's status was used to rebut his specific assertions that he was not aware that any warrants had been issued for his arrest and that he did not provide his parolee status to officers as the rationale behind his flight. This evidence was relevant to the question of whether defendant had fled and was highly probative to weigh the veracity of his trial testimony, and thus was admissible. MRE 401; MRE 403. Furthermore, the evidence was not inadmissible under MRE 609. See *People v Taylor*, 422 Mich 407, 414-415; 373 NW2d 579 (1985) citing *United States v Johnson*, 542 F2d 230, 234-235 (CA 5, 1976) (Even when evidence is generally inadmissible under MRE 609, it remains admissible to rebut specific statements of the defendant who testifies at trial). See also *People v Moore*, 164 Mich App 378, 382-383; 417 NW2d 508 (1987), modified on other grounds 433 Mich 851 (1989). Defendant has failed to show that he is entitled to relief.

Affirmed.

/s/ Stephen L. Borrello  
/s/ David H. Sawyer  
/s/ E. Thomas Fitzgerald